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	Application No.	Applicant(s)
	09/705,450	TURNER ET AL.
Notice of Allowability	Examiner	Art Unit
	Robert C. Scheibel	2666
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatio GHTS. This application is subject t	oplication. If not included n will be mailed in due course. THIS
1. This communication is responsive to the amendment filed :	<u>2/16/2005</u> .	
2. A The allowed claim(s) is/are 2-39, renumbered, 2, 3, 1, and	4-38, respectively.	
3. \boxtimes The drawings filed on <u>02 November 2000</u> are accepted by	the Examiner.	
 4. Acknowledgment is made of a claim for foreign priority una a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application No	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply ENT of this application.	complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS (as "replacement sheets") mus (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Paper No./Mail Date ldentifying Indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	on's Patent Drawing Review (PTO Amendment / Comment or in the (84(c)) should be written on the drawi	Office action of ngs in the front (not the back) of
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT is		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/0	6. ⊠ Interview Summary Paper No./Mail Da	te <u>20050606</u> .
Paper No./Mail Date <u>2/16/05 & 2/16/05</u>		
 Examiner's Comment Regarding Requirement for Deposit of Biological Material 	9. ☐ Other	FRANK DUONG PRIMARY EXAMINER

U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kirk D. Williams on 6/9/2005.

The application has been amended as follows:

In the claims:

In lines 8-9 of claim 4, "a measured traffic arrival rate and a state for the particular destination" has been corrected to --the measured traffic arrival rate for the particular destination and the state for the particular destination--.

Replace claim 7 with --Claim 7: The apparatus of claim 6, wherein the timing mechanism includes one or more timing wheels.--

Replace claim 8 with --Claim 8: The apparatus of claim 6, wherein the rate-controlled virtual output queue comprises at least one scheduling data structure, said at least one scheduling data structure including scheduling information with a timing granularity greater than that of the timing mechanism.--

2. The following is an examiner's statement of reasons for allowance:

To further clarify the reasons for allowance, the prior art of record fails to disclose, in combination with the other limitations of the independent claims, the combination of the

Application/Control Number: 09/705,450

Art Unit: 2666

limitation of measuring the rate at which traffic arrives for each of a plurality of outputs of a packet switching system with the limitations of sending received packets to the second component at a first rate approximately proportional to the measured traffic arrival rate when the state data structure indicates the second component is in a first state, and sending received packets to the second component at a second rate less than the first rate and greater than zero, and approximately proportional to the measured traffic arrival rate when the state data structure indicates the second component is in a second state. Note that the first state referred to above is the unconstrained state described in the specification and the second state referred to above is the backlogged state described in the specification. Note also that in claim 4, the unconstrained state is referred to as the second state and the backlogged state is referred to as the third state. The closest prior art is U.S. Patent 5,884,890 to Delp et al which discloses a scheduling method for best effort traffic in which the relative proportion of data rates is maintained between streams. However, the proportional rates of the streams in Delp do not disclose the limitation that the first and second rates are proportional to the arrival rate at which packets destined for the second component arrive at the first component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 6:30-5:00 Eastern Time.

Application/Control Number: 09/705,450 Page 4

Art Unit: 2666

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

(C) 6-13-05

Robert C. Scheibel

Examiner

Art Unit 2666

FRANK DUONG PRIMARY EXAMINER